REMARKS

The foregoing amendment and the following arguments are provided generally to impart precision to the claims, by more particularly pointing out the claimed subject matter, rather than to avoid prior art.

Claims 1-11, 26, and 27 have been rejected. Claims 12-25 have been previously withdrawn as a result of their non-election in a prior restriction/election and are cancelled herein without prejudice to reinstate or present in a related application. The response amends claims 1-11, 26 and 27. New claims 28-38 have been added. Reconsideration and withdrawal of the rejections set forth in the Office Action dated April 30, 2008 are respectfully requested. No new matter has been added.

Claim Objections

Claims 3, 4, and 11 are amended as suggested by the office to overcome claim objections. Applicant trusts that the objections to these claims will be withdrawn in light of these amendments.

35 U.S.C. § 101 Rejections

Claims 1-11 and 26-27 are rejected under 35 U.S.C. 101 because the office has suggested that the claimed inventions are directed to non-statutory subject matter.

Without admitting the propriety of the rejections, claims 1-11 and 26-27 are amended herein so that they are now directed to statutory subject matter for a "file stored in a computer readable medium", and an "electronic data stored in a computer readable medium". Applicant trusts that the rejections will be withdrawn in light of these amendments.

35 U.S.C. § 103 Rejections

Claims 1, 2, 7, 8, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava et al. (U.S. Patent No. 6,549,922, "Srivastava") in view of Fleischman (U.S. Patent No. 6,507,847, "Fleischman").

Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava and Fleischman as applied to claims 1 and 2 above, and further in view of Baer et al. (U.S. Patent No. 6,035,303, "Baer").

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava and Fleischman as applied to claim 2 above, and further in view of Oguz et al. (U.S. Patent No. 6,771,703, "Oguz").

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava and Fleischman as applied to claim 1 above, and further in view of Baer and Oguz.

Prior Art

Srivastava

Srivastava at most describes an extensible framework for the automatic extraction and transformation of metadata into logical annotations. Metadata imbedded within a media file is extracted by a type-specific parsing module and combined into a set of logical annotations. The annotations are formatted into a standardized form, which is mapped into a database schema (Abstract).

However, Srivastava does not describe a header section that includes an index file size information. Also, Srivastava does not describe an asset metadata section that includes a value indicating a number of plays that the media asset can be played out on the client computer.

Fleischman

Fleischman at most describes a history database structure for Usenet. The database is accompanied by several caches to provide a system capable of Usenet operations (Abstract).

However, Fleischman does not describe a header section that includes an index file size information. Also, Fleischman does not describe an asset metadata section that includes a value indicating a number of plays that the media asset can be played out on the client computer.

Baer

Baer describes an object management system for storing persistent object oriented objects, including an object vault, a structural type manager and a digital library (Abstract).

However, Baer does not describe a header section that includes an index file size information. Also, Baer does not describe an asset metadata section that includes a value indicating a number of plays that the media asset can be played out on the client computer.

Oguz

Oguz at most describes efficient scaling of non-scalable MPEG-2 video by removing certain non-zero AC DCT coefficients for the 8x8 blocks from the MPEG-2 coded video (Abstract).

However, Oguz does not describe a header section that includes an index file size information. Also, Oguz does not describe an asset metadata section that includes a value indicating a number of plays that the media asset can be played out on the client computer.

Prior Art Distinguished

Claim 1

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava et al. (U.S. Patent No. 6,549,922, " Srivastava") in view of Fleischman (U.S. Patent No. 6,507,847, "Fleischman").

The office asserted that Srivastava et al. discloses a file format of redistributing media content from a server computer to a client computer in the form of a transfer file, the file format comprising:

> a header section, said header section including media type information (*title of the media*) (*see cited portion, but not limited to col. 5, lines 24-26, col. 6, line 1, table on cols. 5 and 6*), bit rate information describing a bit rate at which a media asset plays out on the client computer *(bit rate of the media in bits/second) (see cited portion, but not limited to table on cols. 5 and 6)*, information indicating the time duration of the media asset *(duration in seconds of the media) (see cited portion, but not limited to table on cols. 5 and 6)*, and size information for various portions of the transfer file *(size of the media) (see cited portion, but not limited to table on cols. 5 and 6)*.

However, the office admitted that Srivastava et al. fails to specifically disclose an asset metadata section, said asset metadata section including a source host name, a source asset identifier, and a value indicating a number of plays of the media asset can be played out on the client computer.

To make up for this admitted deficiency in Srivastava et al, the office asserted that Fleishman discloses an asset metadata section, said asset metadata section including a source host name *(source) (see cited portion, but not limited to col. 3, lines 3-5)*, a source asset identifier *(indexes) (see cited portion, but not limited to col. 2, line 67-col. 3, lines 1-3)*, and a value indicating a number of plays of the media asset can be played out on the client computer *(history) (see cited portion, but not limited to col. 3, lines 61-65)*.

The office apparently equates "history" in Fleishman to "a value indicating a number of plays of the media asset can be played out on the client computer" as recited in applicant's claims (see examiner's reference to Fleischman at col. 3, lines 61-65). Fleischman at col. 3, lines 61-65 states that the history database contains metadata corresponding to the articles in the articles database. The history database contains metadata about the existence and location of the media content in Fleischman (col. 3 lines 6-9). Therefore, the term "metadata" that indicates the existence and location of the media content in Fleischman is distinguishable from "a value indicating a number of plays of the media asset that the media asset can be played out on the client computer". Applicant therefore respectfully submits that Fleischman fails to teach, disclose, or motivate a need for the specific element of "a value indicating a number of plays of the media asset that the media asset can be played out on the client computer" required by applicants claim.

The examiner was somewhat ambiguous as to sections of the Fleischman reference that were argued to teach, suggest, or motivate a need for these additional features or changes. For example, a citation such as "... *see cited portion, but not limited to col. 3, lines 3-5* ... " and similar references were not effective in understanding the examiner's interpretation of the prior art or in fully developing an issue with respect to the prior art. Applicant would appreciate a more definite identification of any particular sections of a reference that the office intends to rely on. Applicant has therefore reviewed the references beyond the citations identified. And, even if one were to consider other portions of the Fleischman reference that might arguably teach, suggest, or motivate a need for these elements or changes, the only other apparent relevant section might arguably be found at col. 4, line 27 where Fleischman describes Boolean functions Add() and Exist(). These Boolean functions indicate whether an ID is found in the history database or not by either "true" or "false". Applicant respectfully submits that the disclosed Fleischman Boolean function is also different from "a value indicating a number of

plays that the media asset can be played out on the client computer". Applicant respectfully requests that the office specifically point out which part of Fleischman teaches, suggests, or motivates any need for "a value indicating a number of plays that the media asset can be played out on the client computer".

In addition, the amended claim 1 includes the language requiring "an asset metadata section ... *to reduce negotiation between the server computer and the client computer and to facilitate a point-to-point or point-to-multipoint distribution of media content*" (emphasis by italics added).

Srivastava at most describes that metadata imbedded within a media file is extracted by a type-specific parsing module and combined into a set of logical annotations. The annotations are formatted into a standardized form, which is mapped into a database schema. The system in Srivastava provides unified metadata repositories, which can then be used for indexing and searching (Abstract). Fleischman at most describes a history database structure for Usenet. The database structure enables high speed read/write activity with low latency search processes (Abstract).

Therefore, Applicant submits that the combination of both prior art references (Srivastava and Fleischman) fails to teach a file having a specific file format including "an asset metadata section ... to reduce negotiation between the server computer and the client computer and to facilitate a point-to-point or point-to-multipoint distribution of media content". Instead, both prior art references at most teach databases that can be used for indexing and/or searches.

Further, the file recited in claim 1 (as amended herein) has a header section that includes an index file size information. Neither Srivastava nor Fleischman discloses a header section that includes an index file size. This index file size information limitation was earlier presented in claim 10 and has now been added to claim 1. Regarding this limitation that was previously included in claim 10, the office asserted that Oguz discloses a file format wherein the header section specifies an index file size (See reference to Oguz col. 33, lines 27-38).

Oguz states that the size of all the data preceding the main file is, for example, 1 megabyte (See col. 33, lines 27-28). However, even if the size of certain data is 1 megabytes, it does not teach a header section that includes "an index file size information". The index file size information is part of a header section. Oguz merely state that certain data size is 1

megabyte. Oguz not teach, suggest, or motivate the need for a header section that includes an index file size information.

Oguz also describes a GOP index for the fast forward/reverse file at col. 33, lines 29-38. However, an "index" for the fast forward/reverse file is different from "an index file size information" included in a header section of a file as required by applicant's claim.

Therefore, the applicant submits that claim 1 is not made obvious by the cited prior art either alone or in any combination and respectfully requests that the rejection under 35 U.S.C. § 103 be withdrawn and that claim 1 be passed to allowance.

Claims 2, 7, and 8

Dependent Claims 2, 7, and 8 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava et al. (U.S. Patent No. 6,549,922, " Srivastava") in view of Fleischman (U.S. Patent No. 6,507,847, "Fleischman").

Claims 2, 7, and 8 are dependent claims depending from independent claim 1. Claims 2, 7, and 8 are therefore allowable for at least the same reasons argued above for the underlying base claim 1, and further because each adds additional distinguishing features.

Claim 2 further requires of claim 1 that the file format further comprising "media content, said media content including the media asset described by the header section and the asset metadata section." Applicant submits that Srivastava and Fleischman do not teach, suggest, or motivate a need for every element of independent claim 1 and the additional limitations of dependent claim 2, either separately or in combination. Therefore, the applicant requests that claim 2 be allowed.

Claim 7, further requires of the file format of dependent claim 2 that "the media content comprises a movie and the user metadata includes a director name, plot synopsis, and actor names." Applicant submits that Srivastava and Fleischman do not teach, suggest, or motivate a need for every element of independent claim 1 and the additional limitation of claim 7, either separately or in combination. Therefore, the applicant requests that claim 7 be allowed.

Claim 8, further requires that the file of claim 6 provide that "the media content comprises a movie and the user metadata includes a director name, plot synopsis and actor names." The applicant submits that Srivastava and Fleischman do not teach, suggest, or motivate a need for every element of independent claim 1 and the additional limitation of claim

8, either separately or in combination. Therefore, the applicant requests that claim 8 be allowed.

Claims 3-6

Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava and Fleischman as applied to claims 1 and 2 above, and further in view of Baer et al. (U.S. Patent No. 6,035,303, "Baer").

Claims 3-6 are dependent claims depending directly or indirectly from independent claim 1. Claims 3-6 are therefore allowable for at least the same reasons argued above for the underlying base claim 1, claim 2, and further because each adds additional distinguishing features.

Claim 3, further requires that "the file format further comprising a signature that identifies the file format to the client computer." Applicant submits that Srivastava and Fleischman as applied to claims 1 and 2 above, and further in view of Baer do not teach , suggest, or motivate a need for every element of independent claim 1 and the additional limitation of claim 3, either separately or in combination. Therefore, the applicant requests that claim 3 be allowed.

Claim 4, further requires the file format further comprising a signature that identifies the file format to the client computer. Applicant submits that Srivastava and Fleischman as applied to claims 1 and 2 above, and further in view of Baer do not teach, suggest, or motivate a need for every element of independent claim 1, dependent claim 2, and the additional limitation of claim 4, either separately or in combination. Therefore, the applicant requests that claim 4 be allowed.

Claim 5, further requires the file format further comprising a user metadata section, said user metadata including information that can be presented to a user. Applicant submits that Srivastava and Fleischman as applied to claims 1 and 2 above, and further in view of Baer do not teach, suggest, or motivate a need for every element of independent claim 1 and the additional limitation of claim 5, either separately or in combination. Therefore, the applicant requests that claim 5 be allowed.

Claim 6, further requires that the file format of claim 2 further comprise "a user metadata section, said user metadata including information that can be presented to a user." Applicant submits that Srivastava and Fleischman as applied to claims 1 and 2 above, and further in view

of Baer do not teach, suggest, or motivate a need for every element of independent claim 1, dependent claim 2, and the additional limitation of claim 6, either separately or in combination. Therefore, the applicant requests that claim 6 be allowed.

Claims 9 and 10

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava and Fleischman as applied to claim 2 above, and further in view of Oguz et al. (U.S. Patent No. 6,771,703, "Oguz").

Claims 9 and 10 are dependent claims depending directly on claim 2 and indirectly from independent claim 1. Claims 9 and 10 are therefore allowable for at least the same reasons argued above for the underlying base claim 1, claim 2, and further because each adds additional distinguishing features.

Claim 9, further requires that the file of claim 2 provide that "the media content is presented in an MPEG format and the header section specifies a fast forward/rewind file size." The applicant submits that Srivastava and Fleischman as applied to claim 2 above, and further in view of Oguz do not teach, suggest, or motivate a need for every element of the base independent claim 1, dependent claim 2, and the additional limitation of claim 9, either separately or in combination. Therefore, the applicant requests that claim 9 be allowed.

Claim 10, further requires that the file of claim 2 further provide that "the media content is presented in an MPEG format." Applicant submits that Srivastava and Fleischman as applied to claim 2 above, and further in view of Oguz do not teach, suggest, or motivate a need for every element of the base independent claim 1, dependent claim 2, and the additional limitation of claim 10, either separately or in combination. Therefore, the applicant requests that claim 10 be allowed.

<u>Claim 11</u>

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava and Fleischman as applied to claim 1 above, and further in view of Baer and Oguz. Claim 11 is a dependent claim depending from independent claim 1. Claim 11 is therefore allowable for at least the same reasons argued above for the underlying base claim 1, and further because claim 11 adds additional distinguishing features.

Claim 11, further requires that the file format of claim 1 further comprises:

media content, said media content including the media asset described
by the header section and the asset metadata section;

a signature that identifies the file format to the client computer;

a user metadata section, said user metadata including information that
can be presented to a user; the media content comprises a movie and the user
metadata includes a director name, plot synopsis, and actor names; and

the media content is presented in an MPEG format and the header
section specifies a fast forward/rewind file size."

The applicant submits that Srivastava and Fleischman as applied to claim 1 above, and
further in view of Baer and Oguz, do not teach every element of the base independent claim 1
and the additional limitation of claim 11, either separately or in combination. Therefore, the
applicant requests that claim 11 be allowed.

Applicant respectfully submits that these additional claim limitations of claims 2-11 alone
and in combination with the underlying base claim and/or intervening claims further distinguish
over the cited prior art. Applicant, therefore respectfully requests that the rejections of claims 2-
11 be withdrawn and that the claims also be passed to allowance.

Claim 26

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava et al.
(U.S. Patent No. 6,549,922, " Srivastava") in view of Fleischman (U.S. Patent No. 6,507,847,
"Fleischman").

The amended claim 26 recites:

An electronic data stored in a computer readable medium including
digitally encoded data for distributing media content from a server
computer to a client computer in the form of a digital data encoding a
transfer file, the digital data comprising:

a first digital data portion encoding a header section, said header
section including media type information, bit rate information describing a

bit rate at which a media asset plays out on the client computer, information indicating the time duration of the media asset, and size information for various portions of the transfer file_including an index file size information; and

a second digital data portion encoding an asset metadata section, said asset meta data section including a source host name, a source asset identifier, and a value indicating a number of plays that the media asset can be played out on the client computer to reduce negotiation between the server computer and the client computer and to facilitate a point-to-point or point-to-multipoint distribution of media content.

Claim 26 is directed to "An electronic data stored in a computer readable medium including digitally encoded data for distributing media content from a server computer to a client computer in the form of a digital data encoding a transfer file" and having claim elements that are analogous to claim 1. Claim 26 was rejected and the office asserted that Srivastava and Fleishman obviated the claim. Applicant has amended claim 26 in analogy to claim 1 and submits that Claim 26 is patentable over the cited art for at least the same reasons argued above relative to claim 1. Applicant therefore submits that claim 26 is not made obvious by the cited prior art and respectfully requests that the rejection under 35 U.S.C. § 103 be withdrawn and that claim 26 be passed to allowance.

Claim 27

Dependent claim 27 is also rejected under 35 U.S.C. 103(a) as being unpatentable over Srivastava et al. (U.S. Patent No. 6,549,922, " Srivastava") in view of Fleischman (U.S. Patent No. 6,507,847, "Fleischman").

Claim 27 is a dependent claim depending from independent claim 26. Claims 27 is therefore allowable for at least the same reasons argued above for the underlying base claim 26, and further because it adds additional distinguishing features.

Claim 27 further requires of claim 26 that the data of claim 26 further comprises "a third digital data portion encoding media content, said media content including the media asset described by the header section and the asset metadata section." Applicant respectfully submits that Srivastava and Fleischman do not teach every element of independent claim 26

and the additional limitation of claim 27, either separately or in combination. Therefore, the applicant requests that claim 26 be allowed.

Added Claims

Applicant has added new claims to round out the protection to which applicant is entitled. Support for the newly added claims may be found in the application as filed, including in the summary, in the description of FIG. 4, and elsewhere in the application as filed.

Added independent claim 30 recites features of the transfer file adding additional detail beyond that recited in some of the claims presented to date. Among the features recited therein, Claim 30 requires that " the transfer file format being organized to include the asset metadata section describing media asset content that is usable by a media player program on the client computer to eliminate time consuming negotiation between client computer and server computer and provide a more efficient transmission of media asset content from the server computer to the at least one client computer, the transfer file informing each client computer of what client computer resources, including network connection bandwidth, client computer processing speed, and memory size that must be reserved or allocated for the incoming transfer file media asset." These several features, separately and in combination, are not present in the cited art. These features solve the problem in the prior art relative to eliminating the need for negotiation between client and server and also the problems and costs associated with the need for multiple servers. For at least these reasons, Applicant submits that Claim 30 is neither anticipated nor obviated by the cited art. Claims 30-34 add additional patentable features that distinguish over the cited art and are patentable for at least the same reasons as the underlying base claim and further because each adds additional distinguishing features and limitations.

Independent claim 35 is analogous to claim 30 as are dependent claims 36-38 to dependent claims 31-34.

Applicant submits that each of newly added claims 30-38 are patentable over the cited art and requests allowance of same.

Supplemental Declaration of Inventor

Applicants submit herewith a Supplemental Declaration signed by inventor Jayakumar Muthukumarasamy, the purpose of which is to correct a typographical error appearing in this

inventor's name on the original declaration. Further, said inventor is now a US citizen, whose mailing address has changed, and that information is included on the Supplemental Declaration. Applicants also submit herewith an Application Data Sheet.

Conclusion

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-2207.

Dated: July 1, 2008

Respectfully submitted

By

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